

Application No. ZM-97-05, Charter Hall Builders, LLC: Request to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501). The property, further identified as a portion of Assessor's Parcel No. 30L-3-B-9A, is designated Medium Density Residential in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, presented a summary of the staff memorandum to the Commission dated September 29, 2005, in which the staff recommended approval. He noted that the applicant is out of town.

The Chair opened the public hearing.

Ms. Sheila Moynihan, 112 Beechwood Drive, spoke in opposition to the application because of anticipated additional traffic and noise and loss of convenience of the residents who walk to Heritage Square. She represented herself and six others who signed her letter to the Commission, which is attached to the minutes.

Mr. Ptasznik noted the large size of the adjacent lot on Beechwood Drive that the applicant plans to subdivide. **Mr. Cross** agreed that the parcel is larger than most of the lots in Harwood Mill subdivision.

Mr. Ptasznik understood the neighbors' concerns about their walkway to Heritage Square being eliminated but noted that it appears they have been trespassing, which he did not support.

Hearing no others, **Mr. Ptasznik** closed the public hearing.

Mr. Barba supported approval; in his opinion, two homes would be a good use of the property and this use would eliminate a paper street.

Mr. Hamilton favored approval but expressed concern about the restrictive covenants governing the 50-buffer.

Mr. Cross said the purpose of the rezoning request is to assemble at least 40,000 square feet of land for the purpose of developing two single-family detached homes; the owner is legally bound by the restrictive covenant. **Mr. Cross** noted, however, that the County has no jurisdiction over private covenants and he could not anticipate whether the applicant plans to build on the buffer area.

Mr. Carter noted there is plenty of buildable depth on the lot exclusive of the 50-foot area, as evidenced by the developed lots along Beechwood Drive. He thought it desirable for the owners to leave the 50-foot buffer for its aesthetic value but the County could not force them to do so. **Mr. Carter** added that the applicant is not inclined to complete the purchase transaction with the County

without approval to subdivide the parcels into two buildable lots.

Ms. Conner asked if it would be reasonable to rezone the strip lots behind each parcel to a residential classification. **Mr. Cross** said the 50-foot strips were zoned for residential use a number of years ago; in 1995, when the County implemented the update of the Comprehensive Plan with a comprehensive rezoning, they were reclassified to GB for a reason that is not clear at this time. He agreed that the entire strip should ultimately be rezoned to R20.

Mr. Hamilton moved to adopt proposed Resolution PC05-40.

Resolution PC05-40

On motion of Mr. Hamilton, which carried 5:0 (Abel and Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM GB (GENERAL BUSINESS) TO R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL) APPROXIMATELY 0.18 ACRE OF LAND LOCATED APPROXIMATELY 175' WEST OF THE INTERSECTION OF MILL LANE AND BEECHWOOD DRIVE

WHEREAS, Charter Hall Builders, LLC has submitted Application No. ZM-97-05, which requests to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005 that Application No. ZM-97-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as

a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063) and more fully described and identified as follows:

All that certain lot, piece or parcel of land situate, lying and being in Grafton District, York County, Virginia being fifty (50) feet in width and lying on the westerly side of Lot NINE (9), Block "B" and Mill Lane, as shown on the plat of survey entitled, "HARWOOD MILL – SECTION B, A SUBDIVISION OF THE PROPERTY OF THE YORK DEVELOPMENT CORPORATION, GRAFTON DISTRICT, YORK COUNTY, VIRGINIA," dated December 15, 1957, made by Wetherill D. Thomas, Certified Land Surveyor, Williamsburg, Virginia, of record in the Clerk's Office of the Circuit Court of York County, Virginia, in Plat Book 6, page 13, said parcel being more particularly described as commencing at a point on the westerly boundary line of "HARWOOD MILL – SECTION B," and is that point which marks the termination of the centerline of Mill Lane as shown on said plat, and from the point of beginning thus established, running thence in a northerly direction in a line which is coincident to the westerly lot line of Lot NINE (9), Block "B" a distance of 158.72 feet to a point; running thence S 72° 44' 57" W a distance of 50.00 feet to a point; running thence S 17° 15' 03" E a distance of 48.57 feet to a point; running thence S 07° 58' 48" E a distance of 101.86 feet to a point; running thence N 82° 14' 12" E a distance of 50.00 feet to a point, the point or place of beginning.
